



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

application of:)
SHERER ET AL.) Art Unit: **2448**
Serial No: **09/488,942**) Examiner: **Strange, Aaron N**
Filed: **January 21, 2000**) Attorney Docket: **P190 1010.5**

For: **PROGRAMMED I/O ETHERNET ADAPTER WITH EARLY INTERRUPTS FOR ACCELERATING DATA TRANSFER**

INFORMATION DISCLOSURE STATEMENT

(5/27/2010)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests that the Examiner initial and return a copy of the enclosed Forms PTO/SB/08B to indicate in the official file wrapper that each item has been considered.

The following summarizes the status of copies of listed information provided with the instant Information Disclosure Statement:

- copies of Items F – BO are attached hereto;

Prosecution of “Family” Patents

Applicant advises the Examiner that the below listed patents are granted from parent applications related to the present application. Citation in the present application to these patents has been provided with the Information Disclosure Statement filed on March 22, 2010. Furthermore, Applicant submitted with the 3/22/10 Information Disclosure Statement copies of certain prosecution documents from the below listed “patent” cases. The Examiner is requested to review and consider such patents and prosecution documents and to review the file histories of the patents during the prosecution of the present application:

- U.S. Patent No. 5,412,782, issued 5/2/1995 (sr. no. 07/907946)
- U.S. Patent No. 5,485,584, issued 1/16/1996 (sr. no. 08/374491)
- U.S. Patent No. 5,872,920, issued 2/16/1999 (sr. no. 08/503797)
- U.S. Patent No. 6,112,252, issued 8/29/2000 (sr. no. 08/028088)

Co-Owned U.S. Applications/Patents

Applicant advises the Examiner that the below listed patents are owned by the Applicant of the present application. At least one party has asserted in litigation that all of the below listed patents are “related” to one another such that they and their prosecution should have been cross-cited during prosecution. Applicant does not agree with that assertion, nor does Applicant concede that the below cases are so related to the present application that they should be cross cited; but Applicant elects to cite them here to prevent a need to refute any such assertions in the future. Citation in the present application to the below listed patents has been provided with the Information Disclosure Statement filed on March 22, 2010. Furthermore, Applicant submitted with the 3/22/10 Information Disclosure Statement copies of certain prosecution documents from the below listed “patent” cases. The Examiner is requested to review and consider such patents and prosecution documents and to review the file histories of the patents during the prosecution of the present application:

- U.S. Patent No. 5,319,752, issued 6/7/1994 (sr. no. 07/947773)
- U.S. Patent No. 5,530,874, issued 6/25/1996 (sr. no. 08/012561)
- U.S. Patent No. 5,434,872, issued 7/18/1995 (sr. no. 07/920893)
- U.S. Patent Application No. 08/397,997, filed 3/3/1995 (abandoned)
- U.S. Patent No. 5,732,094, issued 3/24/1998 (sr. no. 08/715253)
- U.S. Patent No. 5,307,459, issued 4/26/1994 (sr. no. 08/920898)
- U.S. Patent No. 5,299,313, issued 3/29/1994 (sr. no. 07/921519)

Notice under MPEP 2001.06(c) – Litigation

The Examiner is advised of the fact that certain of the patents listed above under the heading **Co-Owned U.S. Applications/Patents** were involved in litigation identified as follows:

3-Com Corp v. D-Link Systems, Inc. and Realteck Semiconductor Corp., Civil Action No. 03-cv-0098-VRW, both in U.S.D.C., N.D. Ca
[suit concluded]

3-Com Corp, plaintiff in the cited litigation, is the predecessor in interest to the current owner of the present application and of all patents listed above and all patents subject to the cited litigation.

Certain documents related to such litigation are listed on the attached Form PTO/SB/08A, as items F-BO, and copies of such listed documents accompany this cover letter. The Examiner is requested to review and consider such documents during the prosecution of the present application. A Civil Docket listing all documents filed in the subject N.D. Ca suit is provided as Item BL on the attached PTO/SB/08A. After review of the Docket, or for any other reason, should the Examiner desire copies of additional documents, Applicant will gladly supply same, upon request.

Notice under MPEP 2001.06(c) – Litigation #2

The Examiner is advised of the fact that certain of the patents listed above under the heading **Co-Owned U.S. Applications/Patents** are currently involved in pending litigation identified as follows:

U.S. Ethernet Innovations, LLC v. Acer, Inc., et al, Civil Action No. 6:09cv448, U.S.D.C. E.D. TX.

U.S. Ethernet Innovations, LLC. is the record holder of the current owner/assignee of the present application and of all patents listed above and all patents subject to the cited litigation. Certain documents related to such litigation shall follow as part of a subsequent Information Disclosure Statement.

Applicant reserves the right to establish the patentability of the claimed invention over any of the cited information and/or to prove that any purported teaching of the cited information is not enabled. Applicant also reserves the right to assert that the cited information is not available as a reference, is not prior art, is cumulative, and/or is not "material" to patentability. Applicant further reserves the right to assert that this citation of information does not constitute an admission of priority and/or does not constitute a waiver of any right Applicant may have under applicable statutes, Rules of Practice in patent cases, or otherwise.

This citation of information should not be construed as an admission that Applicant has an obligation to provide this information in the present application or as a representation that an exhaustive search has been made, that the information disclosed is material, that the information disclosed is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102, or that information more material to the examination of this Application does not exist. The order of presentation of information on the attached Form(s) SB/08 should not be construed as an indication of importance of the references. Applicant requests that the Examiner conduct an independent and thorough search and examination of all pertinent art, and consider completely the information disclosed hereby, along with any other information, in reaching a determination of patentability.

The Commissioner is hereby authorized to charge any fees that may be required by the filing of this Information Disclosure Statement, or credit any overpayment, to Deposit Account No. 09-0528.

Respectfully submitted,

Date: 5/27/2010


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